

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2227**

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**Introduced by Assembly Member Quirk**

February 20, 2014

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An act to add ~~Section 18938.4 to the Health and Safety Code, relating to solar energy. Sections 26211, 26212, 26213, 26214, 26215, 26216, 26217, and 26218 to the Public Resources Code, relating to energy efficiency.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2227, as amended, Quirk. ~~Building standards: solar energy systems. Citizens Oversight Board: implementation.~~

*The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate incomes taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Existing law provides for allocation of these funds to public school facilities, university and college facilities, other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, for eligible projects, as specified. Existing law establishes the Citizens Oversight Board and requires it to, among other things, annually review all expenditures from the Clean Energy Job Creation Fund.*

*This bill would, among other things, require members of the board to serve for a term of 4 years and authorize them to serve for up to 2*

*additional terms. The bill would provide for the appointment of a chair and vice chair of the board, establish the responsibilities of the chair and vice chair, and require the board to meet at least 4 times per year or as often as the chair or the board deems necessary to conduct its business. The bill would authorize the formation of committees and would require the board to prepare an annual report, as specified.*

~~Existing law declares that it is the policy of the state to promote and encourage the use of solar energy systems. Existing law provides that building standards shall be filed by the California Building Standards Commission with the Secretary of State and codified only after they have been approved by the commission.~~

~~This bill would require that building standards for the construction, installation, and alteration of solar energy systems, as specified, be adopted and published in the California Building Standards Code by the commission no later than January 1, 2017.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 26211 is added to the Public Resources*
- 2     *Code, to read:*
- 3     *26211. Funding for the board shall be provided in the annual*
- 4     *Budget Act.*
- 5     *SEC. 2. Section 26212 is added to the Public Resources Code,*
- 6     *to read:*
- 7     *26212. (a) Members of the board shall serve for a term of four*
- 8     *years and may be reappointed for up to two additional terms.*
- 9     *(b) A majority of active board members shall constitute a*
- 10    *quorum.*
- 11    *(c) The board's principal office shall be located in the*
- 12    *Treasurer's office in Sacramento.*
- 13    *(d) Each board member shall be entitled to one vote. All votes*
- 14    *shall be recorded and reported in the minutes of the board.*
- 15    *(e) The board shall select from among its members a chair and*
- 16    *a vice chair, as provided in Section 26214.*
- 17    *(f) Members of the board shall not be compensated for their*
- 18    *service, but may be reimbursed for actual and necessary expenses.*
- 19    *(g) Requests for reimbursement for anticipated actual and*
- 20    *necessary expenses shall be submitted to the chair for approval*

1 *before incurring the expense and may be paid in accordance with*  
2 *Section 26217.*

3 *SEC. 3. Section 26213 is added to the Public Resources Code,*  
4 *to read:*

5 *26213. (a) The board shall meet at least four times per year*  
6 *or as often as the chair or the board deems necessary to conduct*  
7 *its business.*

8 *(b) The chair shall, with the assistance of staff, prepare the*  
9 *agenda for each board meeting. Meeting agendas shall be prepared*  
10 *in advance of each meeting based on input from board members,*  
11 *staff, and the public.*

12 *(c) The board shall comply with, and be subject to, the*  
13 *requirements of the Bagley-Keene Open Meeting Act (Article 9*  
14 *commencing with Section 11120) of Chapter 1 of Part 1 of*  
15 *Division 3 of Title 2 of the Government Code).*

16 *(d) Without limiting subdivision (c), the posting of the board's*  
17 *agenda shall comply with Section 11125 of the Government Code.*  
18 *Special meetings shall comply with Section 11125.4 of the*  
19 *Government Code. Closed session reports shall comply with*  
20 *Section 11126.3 of the Government Code.*

21 *SEC. 4. Section 26214 is added to the Public Resources Code,*  
22 *to read:*

23 *26214. (a) The first meeting of the board, at which a chair*  
24 *shall be selected, may be held upon appointment of all nine*  
25 *members of the board and shall be called jointly by the Treasurer,*  
26 *the Controller, and the Attorney General.*

27 *(b) The board shall elect a chair and vice chair at the first*  
28 *meeting of the board each year and each such individual shall*  
29 *hold office for one year commencing on the following July 1 and*  
30 *ending when his or her successor takes office. If there is a vacancy*  
31 *during the year in the office of the chair or vice chair, a majority*  
32 *of the active members of the board shall elect a replacement chair*  
33 *or vice chair to serve the remainder of the year. If the interim*  
34 *vacancy is in the office of the chair, then the vice chair shall*  
35 *perform the duties of the chair until a successor is elected.*

36 *(c) In the absence of the chair during a meeting, the vice chair*  
37 *shall perform all of the functions of the chair.*

38 *(d) The chair shall oversee meetings, serve as an ex officio*  
39 *member of all committees, work in partnership with staff to ensure*  
40 *board resolutions are carried out, call special meetings if*

1 necessary, appoint all committee chairs and recommend who will  
2 serve on committees, prepare agendas for meetings, coordinate  
3 the hiring and evaluations of staff and consultants, act as  
4 spokesperson for the board, periodically consult with board  
5 members on their roles, and ensure that the rules of procedure  
6 and decorum contained in this chapter are observed and enforced.

7 (e) The vice chair shall carry out special assignments as  
8 requested by the chair, understand the responsibilities of the chair,  
9 and be able to perform the duties of the chair in the chair's  
10 absence.

11 SEC. 5. Section 26215 is added to the Public Resources Code,  
12 to read:

13 26215. (a) The board may establish committees as it deems  
14 necessary and appropriate. The chair may define and limit a  
15 committee's scope and authority, and establish rules of operation  
16 for the committees.

17 (b) Each committee shall meet and shall make recommendations  
18 and reports as deemed necessary or appropriate by the chair or  
19 the board.

20 (c) In the absence of the committee chair, the vice chair shall  
21 conduct routine business matters and meetings of the committee.

22 (d) The status, purpose, and authority of a committee shall be  
23 determined by the chair at the time the committee is established  
24 by the board. The board may modify a committee's status, purpose,  
25 or authority at any time.

26 (e) A committee may act within its delegated authority without  
27 further approval of the board. Committees and committee members  
28 shall not make or issue policy statements, recommendations, or  
29 media releases without prior approval of the board. A committee  
30 activity that implies action by the board or is outside the  
31 committee's delegated authority is prohibited without specific  
32 board approval.

33 SEC. 6. Section 26216 is added to the Public Resources Code,  
34 to read:

35 26216. (a) In addition to, and in conjunction with, the  
36 performance of its duties set forth in subdivision (d) of Section  
37 26210, the board shall review and evaluate the progress and status  
38 of projects and shall prepare, approve, and distribute annual  
39 reports of its activities, findings, and recommendations to the  
40 Governor, the Legislature, and the public. Each annual report

1 *shall concern the activities of the board and its committees during*  
2 *the preceding calendar year and shall be distributed within 90*  
3 *days of the end of the calendar year to which it pertains.*

4 *(b) The process for preparing, approving, and distributing the*  
5 *annual reports shall be as follows:*

6 *(1) The chair shall be responsible for preparing a draft annual*  
7 *report that shall be presented at a regularly scheduled meeting of*  
8 *the board.*

9 *(2) The draft annual report shall be discussed and considered*  
10 *by the board at the meeting and shall be approved as presented*  
11 *or with amendments or changes following the opportunity for, and*  
12 *receipt of, any public comment.*

13 *(3) After the meeting, the annual report shall be put into its final*  
14 *approved form and shall be distributed and published on the*  
15 *board's Internet Web site.*

16 *(c) The annual report distributed pursuant to this section shall*  
17 *be submitted to the Legislature in accordance with Section 9795*  
18 *of the Government Code.*

19 *SEC. 7. Section 26217 is added to the Public Resources Code,*  
20 *to read:*

21 *26217. (a) Expenses of the board shall be accounted for and*  
22 *paid in a manner that is consistent with the State Administrative*  
23 *Manual and any related processes and procedures. The board may*  
24 *delegate to the chair or staff the authority to approve expenses,*  
25 *pay expenses, or both.*

26 *(b) Expenditure items exceeding the board's budget, or*  
27 *expenditure items the chair deems worthy of further consideration,*  
28 *shall be brought before the board for consideration at the next*  
29 *meeting.*

30 *(c) The chair shall be responsible for tracking the board's*  
31 *budget and regularly reporting to the board if expenditures are*  
32 *within the amounts planned and what steps have been taken or*  
33 *are proposed to be taken to ensure that the board has sufficient*  
34 *funds to accomplish its annual mission.*

35 *(d) If approved by the board, the chair may testify before a state*  
36 *authority and his or her actual and necessary travel, meal, and*  
37 *lodging expenses shall be reimbursed.*

38 *(e) The expenses of the board shall be published in the board's*  
39 *annual report required by Section 26216.*

1     SEC. 8. *Section 26218 is added to the Public Resources Code,*  
2     *to read:*

3     26218. *The most recent edition of Robert's Rules of Order*  
4     *shall govern the parliamentary procedures, disciplinary*  
5     *proceedings, and rules for the conduct of board meetings. An*  
6     *action of the board shall not be invalidated, or the legality of an*  
7     *action of the board affected, by the failure or omission to observe*  
8     *or follow Robert's Rules of Order.*

9     ~~SECTION 1. Section 18938.4 is added to the Health and Safety~~  
10    ~~Code, to read:~~

11    ~~18938.4. (a) The California Building Standards Commission~~  
12    ~~shall adopt building standards for the construction, installation,~~  
13    ~~and alteration of solar energy systems and publish the standards~~  
14    ~~in the California Building Standards Code on or before January 1,~~  
15    ~~2017.~~

16    ~~(b) These standards shall be based on national building standards~~  
17    ~~that have been designated by the American National Standards~~  
18    ~~Institute as American National Standards, with any amendments,~~  
19    ~~deletions, or additions determined to be appropriate by the~~  
20    ~~commission, the Department of Housing and Community~~  
21    ~~Development, or other agencies with applicable building standards~~  
22    ~~jurisdiction.~~

23    ~~(c) For purposes of this section, "solar energy systems" includes,~~  
24    ~~but is not limited to, equipment and appliances intended to utilize~~  
25    ~~solar energy for heating or cooling, water heating, swimming pool~~  
26    ~~heating, process heating, and solar photovoltaic systems.~~